

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOHN ANTHONY CASTRO,

Plaintiff,

2:23-CV-00598

vs.

SECRETARY OF STATE
ANDREW WARNER, and
DONALD JOHN TRUMP,

Defendants.

WEST VIRGINIA REPUBLICAN PARTY,

Intervenor.

ORDER

Pending before the Court is the *State of West Virginia's Motion to Intervene and for Response Deadlines* (ECF No. 25), filed on October 2, 2023. In support of his motion, the Attorney General (AG) acknowledges that three Deputy Attorneys General have been assigned to represent the Defendant Secretary of State (SOS) in this action, however, the AG asserts that he represents the interests of the State *itself*, thus the reason for seeking intervention on behalf of the *State*. The AG further represents that the State's interests are broader than those of the SOS, as its role and interest in this action are narrower, and without being permitted to intervene, the AG's ability to discharge its constitutional obligations to the State would be imperiled.


The undersigned notes that the SOS and the State would be represented by the same counsel, and very unlikely the interests of both the SOS and State would diverge to any meaningful degree, but overlap: in short, the interests of the SOS would be subsumed by the State of West Virginia. In order to streamline these proceedings, for the sake of judicial economy, it appears the SOS as a party can be substituted by the State, given the obvious overlap of interests. On that note,

the undersigned invites the SOS to file a response to the State's ***Motion to Intervene*** no later than October 10, 2023 to explore whether the SOS and the State can be represented in a single entity/party for purposes herein. The State is also invited to file any response to this Order no later than October 10, 2023, regarding the prospect of both the SOS and State being represented by the same counsel and proceeding as a single defendant in this matter.

The Clerk is hereby directed to transmit a copy of this Order to the Plaintiff and to counsel of record.

ENTER: October 4, 2023.




Omar J. Aboulhosn
United States Magistrate Judge